

**IN THE U.S. DISTRICT COURT FOR MARYLAND,
SOUTHERN DIVISION**

BEYOND SYSTEMS, INC.)	
)	
Plaintiff)	
v.)	Case No. PJM 08 cv 0921
)	
WORLD AVENUE USA, LLC, et al.)	
)	
Defendants)	
_____)	

**DEFENDANT WORLD AVENUE USA, LLC'S APPLICATION AS TO AMOUNT OF
ATTORNEYS' FEES**

Pursuant to this Court's Order at DE 605 dated February 16, 2011 that sanctioned Plaintiff BEYOND SYSTEMS, INC. ("BSI"), Defendant WORLD AVENUE USA, LLC ("WAUSA"), hereby submits its Application As to Amount of Attorneys' Fees awarded by this Court.

On April 20, 2010, BSI filed its Motion for Determination of Timeliness and Sufficiency of Initial Rule 26(a)(2) Expert Designations, And/Or For Extension of Time ("Motion for Determination"). *See* DE 214. On May 4, 2010, WAUSA filed its Memorandum of Law in Opposition to Plaintiff's Motion for Determination and Cross-Motion to Exclude Plaintiff's Expert Witnesses ("Opposition and Cross-Motion"). *See* DE 218. On May 21, 2010, BSI filed its Reply in Support of its Motion for Determination ("Reply"). *See* DE 239.

On September 10, 2010, the Court set the Motion for Determination for hearing on September 23, 2010. *See* DE 417. On September 23, 2010, the Court reserved ruling on the Motion for Determination pending rulings of Judge Messitte at a hearing to be held on November 29, 2010. *See* DE 428. On November 29, 2010, Judge Messitte set this case for trial on three limited issues during August 2011. *See* DE 542-543. On January 31, 2011, the Court

set the Motion for Determination for hearing on February 16, 2011. *See* DE 597. On February 16, 2011, the Court denied the Motion for Determination, granted in part the Cross-Motion, and entered sanctions. *See* DE 601-602, 605.

Greenberg Traurig, P.A., maintains contemporaneous time records for attorneys' fees on a particular matter. Those time records show that \$23,451.00 was incurred in connection with BSI's Motion for Determination, WAUSA's Opposition and Cross-Motion, BSI's Reply, the September 23, 2010 hearing, and the February 16, 2011 hearing. The attorneys' fees and costs are detailed in the Declarations of Sanford M. Saunders, Jr. and John L. McManus. *See* Exhibits 2-3 to Memorandum of Law.

WHEREFORE, Defendant WORLD AVENUE USA, LLC respectfully requests entry of judgment against Plaintiff BEYOND SYSTEMS, INC. in the amount of \$23,451.00, plus statutory interest, and for such other and further relief as this Court deems just and appropriate.

Dated: March 2, 2011

Respectfully submitted,
Attorneys for World Avenue USA, LLC

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